

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of Applications of)	
)	
CARIBBEAN CROSSINGS LTD.)	File No. SCL-T/C-20090506-00009
)	
and)	
)	
TRINITY COMMUNICATIONS LTD.)	File No. ITC-T/C-20090506-00204
)	
For Consent to the Transfer of Control of)	IB Docket No. 09-149
Submarine Cable Landing License and)	
International Section 214 Authorization)	

Consolidated Reply to Public Comments

Caribbean Crossings Ltd. ("CCL") and Trinity Communications Ltd. ("Trinity") (collectively, "the Companies") by their attorney and pursuant to Section 1.45 of the Commission's rules, 47 C.F.R. § 1.45, hereby submit their consolidated response to the "Public Comments of the Television Association of Programmers Latin America" ("TAP"), filed September 24, 2009. For the reasons set forth below, the Companies respectfully submit that the matters raised by TAP are irrelevant to the Commission's consideration of their respective transfer of control applications, and should be rejected.

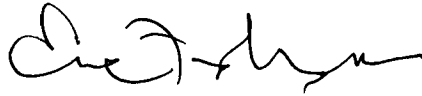
In its filing, TAP does not oppose the Companies' above-captioned applications for transfer of control, but seeks "to update the Commission on activities taken by TAP and its member companies since the filing of our previous comments regarding the transfer of control request of Caribbean Crossing Limited [sic] and to apprise the Commission of the status of our concerns regarding an overbroad compulsory license in the Bahamas." Public Comments, p. 1. In those comments, filed on June 25, 2009, TAP likewise stated that "it does not raise any issue regarding the specific facts of the transfer of control proposals" and that "the corporate structure

and various equity arrangements of the entities responsible for this license are not of our concern." TAP Comments Regarding Transfer of Control Application, pp. 2-3. Rather, TAP requested the Commission to consult with its interagency colleagues "regarding the legal deficiencies in Bahamian law that adversely affect the rights and interests of U.S. companies in the premium pay television sector to protect their copyrighted products and signals in that market." *Id.* at p. 3.

The Companies respectfully submit that the issues raised by TAP are no more relevant to the Commission's consideration of the Companies' transfer of control applications than when TAP first presented them in its originally filed comments. Attached hereto is the Reply to TAP's Comments which CCL submitted at that time, and which the Companies now hereby incorporate by reference. The Companies merely note at this time that the "update" which TAP now provides illustrates, if anything, the progress which the Bahamian Government has made in addressing the issues TAP has raised, as evidenced by the signing of the Copyright Amendments Act of 2004. While the Companies join TAP in applauding this development, we reiterate that the proper forum for such issues within the U.S. Government is not the Commission, but the United States Trade Representative, and that the Commission should proceed promptly with the grant of the instant applications.

WHEREFORE, Caribbean Crossings Ltd. respectfully requests the Commission to reject TAP's Public Comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric Fishman', with a stylized, flowing script.

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September 29, 2009

CERTIFICATE OF SERVICE


I, Eric Fishman, hereby certify that I have served copies of the foregoing Reply, by hand-
or overnight delivery on this 29th of September 2009, to the following:

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Eric Fishman

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
CARIBBEAN CROSSINGS LTD.)	File No. SCL-T/C-20090506
)	
Application for Authority pursuant to)	
Cable Landing License Act)	
for transfer of control)	

Reply to Comments

Caribbean Crossings Ltd. ("CCL"), by its attorneys and pursuant to Section 1.45 of the Commission's rules, 47 C.F.R. § 1.45, hereby submits its response to the "Comments regarding Transfer of Control Application" ("Comments") filed by the Television Association of Programmers Latin America ("TAP"). For the reasons set forth herein CCL respectfully submits that the issue raised in the TAP Comments is irrelevant to the Commission's consideration of the transfer of control proposed by CCL, and should be rejected.

By its own admission, "TAP does not raise any issue regarding the specific facts of the transfer of control proposals contained in Caribbean Crossing's [sic] application. The corporate structure and various equity arrangements of the entities responsible for this license are not of our concern. We are not asking that the Commission revoke the current license." Comments, pp. 2-3. Rather, TAP requests that the Commission consult with its interagency colleagues "regarding the legal deficiencies in Bahamian law that adversely affect the rights and interests of U.S. companies in the premium pay television sector to protect their copyrighted products and signals in that market." *Id.* at p. 3. TAP also requests that the Commission review CCL's transfer of control application under its normal procedures, and not through the streamlined process CCL has requested, "so that the Commission [can] consult with its interagency

colleagues regarding the current legal situation in The Bahamas that harms the ability of U.S. companies to distribute legitimate program-encrypted programming in that market and to review the role that investors involved in the pending application play in this situation."

CCL respectfully submits that the proper forum for the issues which TAP has raised is the United States Trade Representative ("USTR"), and not the Commission; that the issues TAP has raised, are, by its own admission irrelevant to the transfer of control approval which CCL seeks, and that TAP's efforts to delay the grant of CCL's filing pending clarification of "the current legal situation in The Bahamas" should be rejected.

In its Comments, TAP correctly notes that the issues it has raised are under review by the USTR. What TAP neglects to mention, however, is that in April of this year, in its 2009 Special 301 Report, the USTR rejected TAP's February 2009 request to place The Bahamas on its Special 301 Priority Watch List.¹ Instead, the USTR announced that it would review the IPR practices of beneficiaries "including the Bahamas" as part of its bi-annual review of the operation of the Caribbean Basin Economic Recovery Act. TAP also neglects to mention that the USTR's decision not to place The Bahamas on its Special 301 Priority Watch List reflected an improvement in the USTR's treatment of The Bahamas, which had been placed on the Watch List from 2000 through 2006. While CCL agrees that compliance with copyright law requirements throughout the world is a legitimate concern of the USTR, the facts in this case adequately reflect that the USTR has considered and rejected the relief TAP has requested, and has in fact downgraded any concern the agency previously had with respect to The Bahamas.

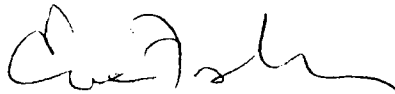
¹ Compare February 17, 2009 letter from TAP to Stanford McCoy, Assistant U.S. Trade Representative (attached hereto) with April 30, 2009 Special 301 Report, p. 3. <http://www.ustr.gov/sites/default/files/Full%20Version%20of%20the%202009%20SPECIAL%20301%20REPORT.pdf>

Again, CCL respectfully submits that the proper forum for the issues TAP has presented is the USTR and not the Commission, and CCL notes that, consistent with the Commission's rules it has served a copy of its application on the U.S. Commerce Department, along with other Executive Branch Agencies, and anticipates that any concerns which the USTR may have concerning its application will be communicated to it through that process. Thus far, CCL has received no such communication.

In light of these considerations, CCL respectfully submits that TAP's Comments are irrelevant to the Commission's consideration of CCL's proposed transfer of control, and that the issues which TAP has raised are, in any event, beyond the control of CCL and its parent company.

WHEREFORE, Caribbean Crossings Ltd. respectfully requests the Commission to reject TAP's Comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Fishman", with a stylized, flowing script.

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July 6, 2009

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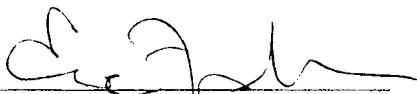
I, Eric Fishman, hereby certify that I have served copies of the foregoing Reply, by hand-
or overnight delivery on this 6th of July 2009, to the following:

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